

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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:  
FRANK QUAGLIA,  
:  
Plaintiff,  
:  
-against- : Civil Action No. 04-10460 RWZ  
:  
BRAVO NETWORKS, NATIONAL :  
BROADCASTING COMPANY, INC., doing :  
business as NBC; RAINBOW :  
PROGRAMMING HOLDINGS, INC., and :  
DOES 1-10, :  
:  
Defendants.  
----- X

**DECLARATION OF JONATHAN M. ALBANO IN  
SUPPORT OF DEFENDANTS' JOINT MOTION FOR  
ATTORNEYS' FEES AND COSTS**

Jonathan M. Albano, declares under penalty of perjury as follows:

1. I am over 18 years of age. I am an attorney duly licensed to practice in the Commonwealth of Massachusetts, and a member in good standing of the Massachusetts bar since 1982, BBO #013850. I also am admitted to practice law in the United States District Court for the District of Massachusetts, the United States Court of Appeals for the First Circuit and the United States Supreme Court.

2. I am a member of the firm of Bingham McCutchen LLP, and have served as local counsel for all of the defendants in this action. I make this declaration in support of Defendants' Joint Motion for Attorneys' Fees and Costs.

3. From March 26, 2004, through September 2005, Bingham McCutchen LLP served as local counsel assisting lead counsel for the respective defendants in the successful defense of this matter.

4. Prior to making this affidavit, I compiled all of the bills generated by Bingham McCutchen LLP for services and disbursements in this matter. Attached hereto as **Ex. A** is a chart listing each invoice and the attorneys' fees and costs billed on each invoice for the years 2004 and 2005, totaling \$12,509.55.

5. Up to the present, all fees, costs and expenses incurred by Bingham McCutchen LLP in defending this litigation (*see Ex. A*) have been paid for in their entirety by defendant NBC Universal, Inc. (formerly known as National Broadcasting Company, Inc.) on behalf of all defendants. Copies of those bills are attached as **Ex. B** (including the applicable hourly rates charged).

6. Based on my review of the billing records pertaining to this matter, the total amount billed by my firm in attorneys' fees in connection with the defense against Plaintiff's claims for copyright infringement, breach of confidentiality, and breach of implied-in-fact contract in this action was \$ 11,648.00.

7. My firm also advanced and billed Defendants for certain non-taxable "out-of-pocket" disbursements in defense of this action in the amount of \$ 861.55. See Ex. B.

8. It is my professional opinion that all the fees represent services that were necessary to secure the result obtained in this case, and that all these expenses were equally necessary to secure the result obtained. See Ex. B.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 4, 2006.

By: /s/Jonathan M. Albano  
JONATHAN M. ALBANO

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon the plaintiff by First-Class Mail on April 4, 2006.

/s/Jonathan M. Albano  
Jonathan M. Albano